



May 23, 2019

U.S. Department of Interior
Bureau of Land Management

Re: City of Glenwood Springs, CO Follow-Up on Illegal Mid-Continent Mine Operations

Dear Colorado State Director Connell, Field Director Sandoval,
BLM Assistant Director Leverette, and BLM Division Chief Elser:

I write to thank you and your teams for meeting with me and other City of Glenwood Springs, CO officials in person and by phone on May 14 to discuss the very significant concerns of the Glenwood Springs, Garfield County, and Roaring Fork Valley communities regarding the illegal operation of the Mid-Continent Mine. We appreciate that you conveyed that you understood why we are concerned about the shocking plans of Rocky Mountain Resources ("RMR") to expand its operations by 5,000% and destroy what is special about our area. With this letter, we also wish to reiterate our major concerns about the Bureau of Land Management ("BLM") approach to addressing these issues. We request a meeting soon with BLM Colorado officials to discuss this further, and lay out our specific requests below.

Following up on our conversations, our May 7 letter to you, and the October 11, 2018 letter to BLM from the Glenwood Springs Citizens' Alliance (GSCA) (and documentation submitted therein), we respectfully request that the Bureau of Land Management take the following actions with respect to the Mid-Continent Mine:

1.) *BLM Enforcement for RMR Trespass and Unauthorized Use:* The City of Glenwood Springs requests that BLM commence full enforcement actions at Mid-Continent Mine with respect to its unauthorized use, extraction, and sale of common variety minerals for road, construction aggregate, and other unauthorized uses, in violation of RMR's Plan of Operations ("PoO") and federal law.

As you know, Garfield County recently issued a formal Notice of Violation to RMR, dated May 8, 2019, where the County found, after a public hearing in which RMR participated extensively, that RMR is in violation of its County Permit which limited its operations to the production of high-quality limestone dust solely for use in coal mining applications (among other violations). The County determined and conveyed in a May 8, 2019 Notice of Violation (attached) that:

"The operator is extracting and selling materials outside of the original approvals. (Resolution No. 2009-97 (B)(1)). The approvals granted via Resolution No. 82-222 and No. 2009-97 are for the extraction, processing and sale of limestone dust to be used in coal mines and coal fired power plants. RMR has been extracting, processing, and actively marketing various types of materials primarily used in construction of roads and retaining walls."

Although RMR recently (May 21, 2019) filed a lawsuit in federal district court against Garfield County challenging the County's authority to regulate the mine as preempted by the 1872 Mining Law, this lawsuit only underscores the need for BLM to properly enforce federal mining and public lands laws. In essence, RMR seeks to avoid any regulation of its operations by the County, while relying on BLM to look the other way as RMR continues to mine and sell common variety minerals in violation of the BLM's regulations and federal law.

The City attaches other documents and information demonstrating that RMR is clearly extracting and selling common variety minerals from the Mid-Continent Mine, including:

- October 11, 2018 letter from GSCA to BLM outlining RMR violations of mining authorizations and federal law;
- November 16, 2018 letter from GSCA to Garfield County requesting investigations of illegal mine operation;
- January 16, 2019 letter from GSCA to Garfield County requesting investigations of illegal mine operation;
- RMR Industrials 10-K filing for the period ending 03/31/2018, with clear statements and acknowledgements from RMR that its operation of the Glenwood Springs mine is for common variety construction aggregates, that the vast bulk of RMR's sales and receipts was to a single (construction) customer, and that RMR has bought a 470-acre rail yard just east of Denver for the purpose of selling construction aggregate into the booming Denver market.

- 2.) ***BLM Enforcement for Other RMR Violations:*** Glenwood Springs requests that BLM commence enforcement actions at Mid-Continent Mine with respect to the ongoing violations of its PoO, as found by BLM in its 2016 and 2018 Mineral Inspection Reports, for among other issues unauthorized drilling, unauthorized shelf development, stormwater management violations, and other issues.
- 3.) ***Payments for Extraction & Sale of Common Variety Minerals to Date:*** Glenwood Springs requests that BLM commence full investigations into periods during which RMR conducted unauthorized use, extraction and sale of common variety minerals without payments, and impose fees, fines and penalties for such unauthorized use & non-payments.
- 4.) ***Suspension of Illegal Operations Now:*** Due to the violations of federal law detailed in the above-noted documents, which is already clear and confirmed from BLM's own reports and RMR's own admissions, as well as by Garfield County, BLM should suspend all operations and activities at the mine until operations are compliant.
- 5.) ***No Expansion Plan When Locatable Mineral Claim Are Unproven & During Noncompliance:*** BLM should make a determination, and convey it to both RMR and the affected public, that BLM Colorado offices will not accept, consider or process an

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application for a Modified PoO until a locatable minerals claim is proven, and compliance with all requirements of federal, state, and County law is shown.

- 6.) ***Full Validity Determination:*** Glenwood Springs is pleased that BLM has conveyed that it will require a full locatable minerals validity determination before it will allow a Plan of Operations for an expanded mine to move forward. We request that this Validity Determination be transparent and allow participation of the City of Glenwood Springs and the affected public. We thus request that BLM-Colorado hold a public hearing in Glenwood Springs to explain the proposed BLM process for the Mid-Continent Mine non-compliant operations, and the process for consideration of proposed Mid-Continent Mine expansion. The affected public should have the ability to give input and ask questions at this convening.
- 7.) ***NEPA Environmental Impact Statement:*** Glenwood Springs requests that, if expanded Operations are considered, that BLM confirm that the approval will be conducted through a full NEPA Environmental Impact Statement, including a cultural resource assessment with respect to impacts on the Ute People.

The City of Glenwood Springs appreciates the opportunity to work with the Colorado State Office, the Valley Field Office, and BLM headquarters on these important matters. The current illegal operations, as well as the proposed expansion of RMR's mine, pose a tremendous risk to the City of Glenwood Springs, its robust tourist economy, and incredible scenic beauty and quality of life. We thank you for your support of our rural Colorado town and its 10,000 residents.

Sincerely,



Jonathan Godes

Mayor

City of Glenwood Springs

cc: Senator Cory Gardner, Representative Scott Tipton, Senator Michael Bennet

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Attachments:

- October 11, 2018 letter from Glenwood Springs Citizens Alliance to Bureau of Land Management, with supporting documentation
- November 16, 2018 letter from GSCA to Garfield County requesting investigations of illegal mine operation;
- January 16, 2019 letter from GSCA to Garfield County requesting investigations of illegal mine operation;
- RMR Industrials 10-K filing for the period ending 03/31/2018
- May 8, 2019 Notice of Violation issued by Garfield County, CO